

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 183 OF 2017

Jitendra Jain (Golchha), S/o Rawalmal Golchha, aged about 39 years,
Caste Jain, R/o Vikas Nagar, Kondagaon, P.S. Kondagaon, Tahsil
Kondagaon, District Kondagaon (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, P.S. Kondagaon,
District Kondagaon (C.G.)

... Non-applicant

For Applicant	:	Mr. Alok Bakshi, Advocate.
For Non-applicant/State	:	Mr. Ashok Swarnakar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No. 171 of 2014, registered at Police Station-Kondagaon, District- Kondagaon, for the offence punishable under Section 384 of IPC and Section 3(4)(14) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution against the Applicant is that he is said to have extracted much more money than that was agreed upon for the sale transaction. It is alleged that the Applicant has exploited the Complainant who is a poor, tribal and rustic villager and that initially the Applicant is said to have paid an amount of Rs. 1 Lakh to the Complainant but subsequently by befooling him the Applicant is said to have taken back an amount of Rs. 2.5 Lakh on the ground that sale cannot be materialized in view of the fact that the Applicant is a Tribal and his land cannot be sold.

3. Learned Counsel for the Applicant submits that it is a case where the Applicant has been falsely implicated in the case inasmuch as initially an agreement to sale was made on 28.5.2014 and an advance was also paid and when on 27.5.2014 when the Complainant was showing his reluctance to execute the sale deed the Applicant had sent a registered notice to the Complainant and immediately to counter the same the Complainant has lodged a written report against the Applicant on 5.7.2014 on the basis of which an FIR has been registered against the Applicant. Along with the anticipatory bail application certain, additional documents have also been filed which show that pending the dispute between the Complainant and Applicant, the Complainant has also sold a portion of the land to different person and has also earned money from the same.

4. Learned Counsel for the State however opposes the anticipatory bail application.

5. Considering the total facts and circumstances of the case, prima facie, this Court is of the opinion that the dispute between the Complainant and Applicant seems to be a dispute of civil nature and therefore this Court is of the view that a prima facie strong case is made out for grant of anticipatory bail.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 171 of 2014, registered at Police Station- Kondagaon, District- Kondagaon, for the offence punishable under Section 384 of IPC and Section 3(4)(14) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, if he furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the

Court concerned, as the case may be, then he shall be released on bail on the following further conditions :

- (i) that the applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

/sharad/

Sd/-
(P. Sam Koshy)
Judge